

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

William Stokes  
Brian Jones,

Complainants,

vs.

Pacific Gas and Electric Company,

Defendant.

Case 02-04-008  
(Filed April 10, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REQUIRING THAT PARTIES MEET AND CONFER  
AND SCHEDULING PREHEARING CONFERENCE  
FOR JULY 16, 2002, 1:30 p.m.,  
IN SACRAMENTO, CALIFORNIA<sup>1</sup>**

On April 10, 2002, William Stokes (Stokes) filed the above-captioned Complaint against Pacific Gas and Electric Company (PG&E) alleging that PG&E is planning to install and erect poles and electric lines that will impact on his view, present traffic problems, and present additional hazards to the

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<sup>1</sup> The Prehearing Conference (PHC) is being set in Sacramento, California at the request of the complainant. If budgetary restrictions for the new state fiscal year, beginning July 1, 2002, do not allow for off-site hearings, the hearing will be rescheduled at the Commission's facility located at 505 Van Ness (corner of Van Ness and McAllister), San Francisco, California.

neighborhood. Stokes does not allege that PG&E's planned activities violates any law or of any order or rule of the Commission.

PG&E was notified on April 23, 2002, that this complaint had been filed against it and was directed that an answer was due within 30 days of April 23, 2002. Although PG&E's answer is not yet due, this notice of a PHC is being served on the parties so as to give them adequate notice of the hearing and opportunity for additional settlement discussions.

The proceeding has been categorized as adjudicatory, requiring hearings. A proposed schedule for the evidentiary hearings will be established at the PHC.

### **Meet and Confer**

Pursuant to Rule 49, I direct the parties to meet and confer.<sup>2</sup> Consistent with Rule 49, parties should discuss the particulars set forth below and PG&E should prepare and file a joint case management statement (JCMS), or a proposed settlement agreement, within 10 days of such a meeting, but no later than close of business on July 10, 2002.<sup>3</sup>

In particular, the parties should use this opportunity to see if they can reach agreement on (1) whether PG&E's planned activities violates any law or of any order or rule of the Commission; and (2) whether Stokes could pursue undergrounding of the utility lines pursuant to PG&E's Tariff Rules on undergrounding for either new construction or the conversion of existing overhead lines. Most importantly, the parties should see if they can reach a

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<sup>2</sup> The parties may meet telephonically if it is more convenient for them than an in-person meeting.

<sup>3</sup> ALJ Brown must receive the JCMS electronically, at [CAB@cpuc.ca.gov](mailto:CAB@cpuc.ca.gov) by 5:00 p.m., on Friday, September 14, 2001.

settlement in this matter. If a settlement is not probable, the parties should discuss whether mediation or arbitration might be a preferable procedure for resolution of the complaint.

If the parties cannot reach a settlement, they should fulfill the requirements of Rule 49, and draft the JCMS as a PHC statement. PG&E should draft the JCMS, and Stokes should indicate his consensus with the JCMS, or indicate areas of disagreement. The JCMS should also include a proposed schedule for evidentiary hearings and the service of prepared testimony. The parties are reminded that pursuant to Pub. Util Code § 1701.2(d) an adjudicatory case must be resolved within 12 months of initiation. Therefore, the parties are urged to initiate discovery, if discovery is necessary in this case, as soon as PG&E's answer is served.

### **Prehearing Conference**

A PHC is scheduled for July 16, 2002, at 1:30 p.m., at the Department of Education, 721 Capitol Mall, 5<sup>th</sup> Floor, Room 556B, Sacramento, California. If the parties submit a proposed settlement by the close of business on July 10, 2002, the PHC will be taken off-calendar.

### **Conference Call**

If the parties have any interlocutory issues, for example scheduling problems or discovery disputes, that need resolution during the course of the proceeding, please call (415) 703-2971 or e-mail (CAB@CPUC.ca.gov) the assigned Administrative Law Judge (ALJ) Carol Brown and a conference call will be scheduled. In addition, if the parties want to pursue alternative dispute resolution methods such as arbitration or mediation, ALJ Brown will facilitate the process.

## **Service**

It is Commission practice that all appearances must serve all parties and state service participants on the service list. Rule 2.3(b) provides that the ALJ may direct that service be made by electronic means. I will require all appearances that can provide the Commission with an electronic mail address to serve documents in this proceeding by electronic mail, and in turn, to accept service by electronic mail. Service by electronic mail will be used in lieu of paper mail where an electronic address has been provided. Any appearance, or state service participant, who has not provided an electronic mail address shall serve and take service by paper mail. Service by mail is described in Rule 2.3(a).

This ruling does not change the rules regarding the tendering of documents for filing. Documents for filing must be tendered in paper form, as described in Rule 2, et seq. Service on the Commission, including the assigned ALJ and Commissioner, may be by electronic mail. My e-mail address is CAB@CPUC.ca.gov.

## **Electronic Service Protocols**

A sender may serve a document by electronic mail by attaching the document to a note. The subject of the note accompanying the document should include the proceeding number and identify the party sending the document. Within the note, the word processing program used for the document should be noted. If the electronic mail is returned to the sender, or the recipient indicates to the sender that it cannot open the document, the sender shall immediately serve that party by paper mail. Documents saved and sent in Microsoft Word 6.0 are readily opened by most recipients.

### **Accessing Up-to-Date Electronic Mail Addresses**

The current service lists for active proceedings are available on the Commission's web page, [www.cpuc.ca.gov](http://www.cpuc.ca.gov). Choose "Service Lists" on the "Quick Links" bar. The service list for this proceeding can be located in the "Index of Service Lists" by scrolling to the application number. To view and copy the electronic addresses for a service list, download the comma-delimited file, and copy the column containing the electronic addresses. The Commission's Process Office periodically updates service lists to correct errors or to make changes at the request of parties and non-parties on the list. Appearances should copy the current service list from the web page (or obtain paper copy from the Process Office) before serving a document.

Therefore, **IT IS RULED** that:

1. Parties shall meet and confer informally and shall file a joint case management statement, or proposed settlement agreement, within 10 days of such a meeting, but no later than the close of business on July 10, 2002.
2. A prehearing conference (PHC) in this proceeding will be held at 1:30 p.m., on July 16, 2002, at the Department of Education, 721 Capitol Mall, 5<sup>th</sup> Floor, Room 556B, Sacramento, California.
3. All appearances that have provided the Commission with an electronic mail address shall serve documents in this proceeding by electronic mail, and in turn, shall accept service by electronic mail. Service by electronic mail will be used in lieu of paper mail where an electronic address has been provided. The electronic service protocols described in this ruling shall be observed.

4. Any appearance that has not provided an electronic mail address shall serve and take service by paper mail.

Dated May 13, 2002, at San Francisco, California.

/s/ CAROL A. BROWN

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Carol A. Brown  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requiring that Parties Meet and Confer and Scheduling Prehearing Conference for July 16, 2002, 1:30 P.M., in Sacramento, California on all parties of record in this proceeding or their attorneys of record.

Dated May 13, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at

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(415) 703-2074 or TTY# 1-866-836-7825 or (415) 703-5282  
at least three working days in advance of the event.